



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate A – Strategy, Better Regulation & Corporate Governance
SG.A.1 – Policy Priorities & Work Programme

MINUTES OF THE MEETING OF THE EXPERT GROUP ON THE CITIZENS' INITIATIVE BRUSSELS, 30 SEPTEMBER 2022

1. Approval of the agenda

The Chair (Silvia Kersemakers, Team Leader SG.A.1) introduced the agenda of the meeting. She also informed the expert group that Rudiger Boogert (Head of Unit, SG.A.1) unfortunately had to apologise for not being able to be present and chair the meeting as was anticipated.

The agenda was approved without changes.

2. Objective of the meeting

The objective of the meeting was to discuss with the national authorities competent under Regulation (EU) 2019/788 on the European citizens' initiative (ECI) matters of implementation related to:

- the latest developments on ECI, including the status of the citizens' initiatives and COVID-related developments (extensions of collection periods)
- the upcoming review of Regulation 2019/788
- Implementation by the Member States, relevant for the upcoming review, and updates on other national developments in the Member States of common interest;
- Implemented and planned improvements of the Central Online Collection System (COCS) and File Exchange Service (FES), state of play on the use of eID when signing statements of support;
- exchange of experiences with the FES;
- the state of play of the communication, guidance and information activities and of the ECI Forum.

The meeting was held in person, with two observers from the European Parliament present. While acknowledging the practical benefits of hybrid/online meetings in the future, the Chair underlined the importance of organising on a regular basis these expert group meetings in

person to cater for the social dimension and to exchange information between the expert group members in a more informal setting.

3. Points discussed

3.1. Latest developments around the European Citizens' Initiative (ECI)

The Commission services provided a state of play of citizens' initiatives since the last expert group meeting in November 2021. There is a positive trend for the number of registration requests, with a notable peak over summer 2022. Since the introduction of the ECI, the Commission has received 119 requests, registered 94 initiatives and replied to six valid initiatives. Since the new rules started to apply, the Commission received 25 requests and registered 24 initiatives and refused only one, with 7 initiatives having gone through the two-stage procedure. The Commission services also referred to a number of potentially successful initiatives that have either completed or started the verification process.

As regards the implementation of Regulation (EU) 2020/1042 (COVID Regulation) that applies until December 2022, the Commission services indicated that - in addition to the extensions provided by that regulation - the Commission adopted in 2020 and 2021 three implementing decisions granting three-months extensions to ongoing initiatives. Thanks to these extensions, three initiatives managed to collect the required statements of support: 'Cohesion Policy', 'Stop Finning' and 'Save Bees and Farmers'. The Commission also granted two three-months extensions of the verification period to one Member State. Two successful initiatives also benefited from the possibility to postpone the public hearing and thus the adoption of the Communication ('Minority Safepack' and 'End the Cage Age'). In the case of 'End the Cage Age', the meeting with the Commission took place online.

The Commission services then provided a short overview of the recent ECI case law, notably on the case concerning 'Cohesion Policy' (T-495/19). In that case, the General Court dismissed on 10 November 2021 the action for annulment brought by Romania against the Commission's decision to register the initiative. The General Court confirmed that the Commission can refuse the registration of an initiative only where it is able to conclude that its competence to submit a proposal for a legal act is totally excluded. Romania has brought an appeal before the Court of Justice (Court of Justice, *Romania v Commission*, C-54/22 (Cohesion Policy)). The judgement of the Court is expected in early 2023.

The Commission services also informed that the Court of Justice issued on 20 January 2022 its final judgement in the case brought by Romania against the Commission decision to register the 'Minority SafePack' initiative (C-899/19 P). The Court of Justice considered that the Commission did not violate the principle of conferral by registering the initiative 'Minority SafePack'.

The Commission services concluded by informing about the action for annulment brought against the Commission by the organisers of the initiative 'Minority SafePack', who requested the annulment of the Commission Communication of 14 January 2021 in reply to that initiative. The judgement is expected in November 2022 (case T-158/21).

3.2. Upcoming review of Regulation (EU) 2019/788 on the European citizens' initiative (by 1 January 2024)

The Commission services informed the group that, in accordance with the review clause in the Regulation (EU) 2019/788, the Commission is required to periodically review the functioning of the European citizens' initiative and present a report to the European Parliament and the Council no later than 1 January 2024, and every four years thereafter. This legal obligation therefore requires the Commission to assess the functioning of the Regulation, e.g. the effectiveness and efficiency to meet the established objectives, which however does not mechanically imply a revision of the Regulation itself.

The Commission services then outlined the scope and the planned activities to gather information about the current functioning of the regulation as a whole and the different parts, assessing the effectiveness of the procedures and support tools at each step of the ECI process – preparation, registration, collection of statements of support, verification, submission and follow up. In the review, specific attention will be given to those provisions that aim to improve the accessibility and the ease of use for organisers and citizens, as well to those provisions that were newly introduced in the 2019 reform. The review shall also cover the minimum age to support citizens' initiatives in the Member States.

The Commission report will also evaluate the temporary measures adopted in the COVID-19 context, with particular regard to the extension of the collection periods and the organisers' ability to mobilise support for their ECIs.

This was followed by a presentation of the main focus areas of the review at each step of the process.

Inputs for the review are planned to be collected via surveys, statistical data and information collected via the Commission's IT systems. The surveys are directed at ECI organisers, Member States authorities, citizens (via a general survey) and civil society organisations. Input from other EU institutions is welcomed and should preferably reach the Commission early second quarter 2023.

In reply to three Member States (DE, RO and PL) on the awareness raising activities and the importance of focussing on young people and the role of social media, the Commission services confirmed that the ECI communication campaigns have a strong focus on young people, both in terms of channels and type of communication activities concerned (e.g. the recent podcast episode on young people, social media promotions, stands at youth festivals or the educational module in preparation). The team in the Secretariat-General works closely together with partners and multipliers in the Member States to promote the ECI, using the Commission's multilingual materials.

One Member State (DE) indicated that young people tend to measure the success of the ECI by the number of initiatives that receive legislative follow-up although the impacts go far beyond. The Commission services confirmed that it is important to make the ECI more known to achieve more successful initiatives. There are positive signs that more successful initiatives are to come. And whenever there is a legislative proposal in follow-up to a successful initiative, information about it and the subsequent steps is shared via the initiative's webpage. The Commission services also confirmed that the real impact of ECI initiatives goes well beyond legislative follow-up. Even initiatives that do not reach the final formal steps of the

process can generate multiple impacts, as the ECI is first and foremost an agenda-setting tool. Also organisers themselves indicate that the experience in itself has been valuable.

3.3. Implementation by Member States

The Commission services then guided the experts through the main parts of the questionnaire for Member States' authorities, which aims at gathering information from the Member States about their experiences with the ECI under the new set of rules applying since 1 January 2020. The Commission services strongly encouraged the Member States to reply to this questionnaire, as their experience with the implementation of the new rules will provide very valuable input to carry out a meaningful review.

The survey focusses on four aspects of the regulation where the Member States' authorities have a specific responsibility: (i) general aspects of the regulation, (ii) verification of support, (iii) information and assistance offered by the national contact points and (iv) certification of individual online collection systems. The details of each aspect were further explained in a comprehensive ppt presentation.

The survey has been made available in the 23 EU languages. Each Member States should provide one coordinated reply, collecting input from their own relevant services. The survey is open until 14 October 2022 (in case a Member State has difficulties to meet this deadline, it can contact the ECI secretariat: SG-ECI-EXPERT-GROUP@ec.europa.eu). Seven Member States had already provided their reply by 30 September 2022.

Two Member States (AT, DK) expressed their satisfaction with the Commission's central online collection system (COCS). One Member State (DK) described the required preparations for certifying individual online collection systems as a costly exercise, while ultimately they never received a request to certify such a system.

One Member State (AT) indicated that as the regulation has now only been in place for over three years, a revision seems indeed premature.

As regards the possible lowering of the minimum age for supporting initiatives, three Member States (DE, BE, FI) indicated that they have launched their legislative process to do so. The rules should start applying, respectively, in January 2023, May 2023 and probably July 2023. Two other Member States indicated that there are no concrete plans to that end.

One Member State (DE) informed about its new national rules that allow imposing administrative sanctions for fraudulent statements of support. The rules should start to apply on 1 January 2023. Additional means for their national contact point have also been secured.

One Member State (FI) enquired about situations where they receive for verification statements of support from EU citizens other than the nationality of their Member State. Such statements have been counted as invalid, as it is not possible to reallocate these statements to the correct Member State.

3.4. Recent IT developments

The Commission services gave an overview of the recent IT developments. Since the application of the new rules, 16 out of 22 new ECIs (73%) used the Central Online Collection

System (COCS) for collecting support, while the other 6 initiatives have chosen to use an individual online collection system. The users' satisfaction rate with the COCS remains high.

As regards the use of eID, 13 Member States currently offer the possibility to their citizens to use eID to support an initiative (with three more under way). The support via eID remains relatively low as a percentage of the total support collected, however, among the Member States that offer an eID use, it represents a significant percentage for three Member States (since November 2021 for Estonia (37%), Belgium (21.5%), Italy (11.6%)) and its usage shows an overall further progression of 59% over the last year. Further improvements have been made in COCS to make it easier for citizens to understand what eID means by making reference to their national eID systems.

The Commission services then summarised the main experiences with the use of the File Exchange System (FES) in relation to two recent successful initiatives, i.e. 'Save Bees and Farmers' and 'Stop Finning'. Overall conclusion is that the FES in combination with the use of COCS allows for a very smooth and secure transfer of the online statements of support, with minimum intervention from the organisers. To note that the COCS will be the only system available for initiatives registered as of 1 January 2023.

The Commission services therefore also used the opportunity to remind the Member States of some practical points, including to upload as a matter of good practice the Annex VI in the FES, and where available, to attach their national decision or motivation with further details on used methodology and findings, as well as to start the download and decryption process as soon as the Member State is notified that it has received the files, as to alert the Commission services as soon as possible in case of issues with that process to avoid unnecessary delays in the verification process.

One Member State (LU) referred to data protection issues in relation to the verification of one ECI, in which case paper statements had been submitted well ahead before the submission of the electronic statements. This issue will no longer occur under the new rules, as there is an obligation for organisers to transfer their statements of support within three months after the end of their collection period.

Three Member States (PL, SI and FR) informed the Commission services about their ongoing notification procedures for the use of eID, which are expected to be finalised by end 2023 and 2024.

3.5. Communication activities and ECI Forum

The Commission services gave an update of the main communication activities, by presenting further improvements made on the ECI website, with new communication materials made available for the Member States, national contact points, and other multipliers. The communication materials include a new video, new episodes of the ECI podcast series as well as updated fact sheets, myth breakers etc).

Throughout 2022, the ECI Forum, with its multilingual information and legal advice for organisers, blogs, online course, webinars and presentations, was again very much appreciated by the organisers. End 2022, a new 3-year contract with the same contractor will be signed.

Throughout 2022, the Commission services, via its contractor, continued to make promotion for the ECI as a tool via its social media campaigns, which is one of the main channels to reach out to citizens (and foremost younger people) and potential organisers.

In 2022, the Commission services, via the same contractor, also participated in a number of events in the Member States. The concept has slightly changed as compared to previous years, with a stronger focus on events attended by younger people, such as democracy festivals, youth events and film festivals. This has allowed for a broader outreach. The focus countries in 2022 were Czechia, Denmark, Greece, France, Cyprus and the Netherlands. Furthermore, the Commission services organised on 1 June an ECI Network gathering in Brussels for the national contact points, the ECI Ambassadors network and other multipliers, which was very well perceived.

In 2023, the Commission services will continue this broad and varied range of communication activities. In addition, the services will also offer to secondary schools an educational module, to allow teachers to introduce the EU and the ECI in a playful way to their pupils (aged 16-18). The educational module will be accompanied by a competition for the students.

4. List of participants

- Representatives from the European Commission

(Secretariat-General, Unit SG.A1 and DG Informatics, Unit DIGIT.B.2.006)

- Representatives of the following Member States:

Austria; Belgium; Bulgaria; Croatia; Denmark; Estonia; Finland; France; Germany; Hungary; Ireland; Italy; Latvia; Lithuania; Luxembourg; Malta; Poland; Portugal; Romania; Slovakia; Slovenia; Spain, Sweden

- Observers from the European Parliament (AFCO and PETI Committee secretariats).

The Powerpoint presentations shown at the meeting have been published on the ECI website: https://europa.eu/citizens-initiative/how-it-works/regulatory-framework-european-citizens-initiative/expert-group-meetings_en